

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-2792 of 2019
Date of Decision:12.03.2019

Ranvir Singh

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM:HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Ms. Neha Sharma, Advocate for the petitioner.
Mr. Sandeep Kumar, DAG, Punjab.

MAHABIR SINGH SINDHU, J.(Oral)

Present petition has been filed under Section 482 Cr.P.C. for issuance of directions to respondents No. 2 to 5 to take appropriate legal action against respondents No. 6 and 7 on the allegation of kidnapping of the son of petitioner, namely, Nirmal Singh, aged about 27/28 years.

Brief facts are that unmarried son of the petitioner was interested in going abroad and contacted respondents No.6 and 7 and paid Rs.12 lacs on different occasions. Respondent No.6 assured the petitioner that after arranging Visa for his son Nirmal Singh, he will be sent to Canada. On 27.07.2017, at about 5.00 p.m. respondent No.6 came in his Car bearing No. PB 03 AF 3740 and informed that Visa of Nirmal Singh has been granted and his flight is Scheduled from New Delhi on 28.07.2017. Upon this, son of the petitioner left with respondent No.6 and thereafter, he never turned up. Now petitioner is neither able to locate his son; nor any phone call has been received about his whereabouts and when inquired from

respondents No.6 and 7, they did not give any satisfactory reply rather misbehaved with him. Hence, the present petition.

This Court while issuing notice of motion on 22.01.2019, passed the following order:-

“Learned counsel for the petitioner contends that the petitioner is not able to locate his son nor any phone call has been received till date. Also contends that as a matter of fact, son of the petitioner is kidnapped and detained somewhere by respondent No.6.

Notice of motion returnable by 29.01.2019.

At this stage, Mr. Sandeep Kumar, DAG, Punjab, accepts notice on behalf of respondents No.1 to 5.

Respondent No.2 is directed to take care of son of the petitioner.

Learned State counsel will also seek instruction in the matter.”

In response to the notice of motion, short reply by way of affidavit of Ajay Raj Singh, PPS, Deputy Superintendent of Police, Moga on behalf of respondents No.1 to 3 and 5 has been filed and perusal of the same reveals that SSP, Moga made a request to the Bureau of Immigration, Ministry of Home Affairs, Government of India, vide his letter dated 28.01.2019 for providing the information about Nirmal Singh bearing Passport No. N2695552, regarding his visit to Thailand.

Learned State counsel, on instructions from ASI Gurjinder Singh, has submitted that although there are allegations in the present petition that son of the petitioner has been kidnapped by respondents No. 6 and 7, but as a matter of fact, in response to the letter dated 28.01.2019 sent by SSP, Moga (referred above), information has been received to the effect

that son of the petitioner gone to Thailand on 28.07.2017 while boarding flight No.SG-087 from New Delhi Airport and the allegations are absolutely frivolous just to pressurize respondents No.6 and 7 by the official respondents.

No one has appeared on behalf of the petitioner. Even the previous occasion also, none appeared for the petitioner.

Respondents No.6 and 7 are present in Court in person and respondent No.7, is an old lady of 80 years on wheel-chair being sick.

Since no one is appearing on behalf of the petitioner to controvert the stand taken by the learned State counsel, therefore, this Court has no option except to come to the conclusion that the allegations of the petitioner that his son has been kidnapped by respondents No.6 and 7 are without any basis and warrants for dismissal of the present petition with exemplary costs, being misuse of the process of the law, as a matter of fact the allegation of kidnapping of son of the petitioner just to gain sympathy of this Court is totally misleading as the son of the petitioner has left the Country on 28.07.2017 at his own and, therefore, the assertions made in the petition to that effect are factually incorrect.

In view of the above, present petition is dismissed with exemplary costs of Rs.50000/- to be paid by the petitioner to respondent No. 7 who has unnecessarily been harassed being old and sick lady of more than 80 years. Costs be deposited with the Registry of this Court within eight weeks from today and in case there is a failure on the part of the petitioner, the matter be re-listed for compliance before this Court.

At this stage, learned counsel for the petitioner has put in appearance and made a request for waiver of the costs while submitting that petitioner belongs to a very poor family.

Although at the first instance, this Court was not inclined to accept the submission on behalf of the petitioner, but keeping in view the fact that learned counsel for the petitioner is a new entrant in the profession and may be oblivious of the consequences to be faced by her client, this Court deems it appropriate to reduce the costs to Rs.10000/- instead of Rs.50000/-.

However, it is clarified that dismissal of the present petition may not be treated as a bar to the petitioner for taking recourse to the remedy available under law, if so advised.

Ordered accordingly.

[MAHABIR SINGH SINDHU]
JUDGE

March 12 , 2019
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Whether speaking/reasoned yes/no
Whether reportable? yes/no